

REMARKS

Claims 1-36 are pending in the current application. Claims 1, 6, 11, 13, 16, 19, 22, 27 and 34 have been amended to improve clarity.

CLAIM REJECTION UNDER U.S.C. § 102

Claims 1-36 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0044984 filed August 30, 2002 to Keogan et al. (hereafter Keogan).

Applicants submit that Keogan cannot be used as prior art. Keogan has a filing date of **August 30, 2002**. However, the instant application claims benefit of provisional application 60/395,415 filed on **July 12, 2002**. As such, Keogan does not meet the criteria established for the basis of rejection under 35 U.S.C. § 102(e) which states: “ A person shall be entitled to a patent unless - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention filed by the applicant”. As such, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Based on the foregoing, all remaining claims are believed in condition for allowance. If, the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the below-listed number.

Applicants do not believe that a fee is due with this response. If this is incorrect, the Commissioner is authorized to charge any fee that is due to Bingham McCutchen Deposit Account No. 50-2518, billing reference number 7010492001.

Respectfully submitted,

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